

Minutes
Bar Harbor Town Council
April 7, 2009

- I. EXECUTIVE SESSION** – 6:00 p.m. – In attendance were Councilors: Ruth Eveland, Robert Garland, Paul Paradis, Julia Schloss, Greg Veilleux, and Robert Jordan, Jr. Also, in attendance were Police Chief Nate Young and Town Clerk Patricia Gray.
- A. Personnel Matter** – (*To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.*)– Mr. Jordan, with second by Mr. Veilluex, moved to go into executive session at 6:00 p.m. as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 6-0. Council came out of executive session at 6:54 p.m. Mr. Paradis, with second by Mr. Veilleux, moved to recess until 7:00 p.m. in Council Chambers. Motion passed 6-0.
- II. CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Ruth Eveland, Robert Garland, Paul Paradis, Julia Schloss, Greg Veilleux, and Robert Jordan, Jr.
- A. Excused Absence(s)** – Mr. Paradis, with second by Mr. Garland, moved to excuse Councilor Sandy McFarland as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.
- III. APPROVAL OF MINUTES**
- A. March 17, 2009** – *Regular Meeting*
- B. March 31, 2009** – *Special Meeting*
- Councilor Schloss noted that in March 17th minutes under Council Comments, she did not accept Mr. Paradis’ apology. She further noted that in March 31st minutes under Parks and Recreation budget it was Mr. Jordan that made the motion to increase the YMCA funding, not her. Mr. Paradis, with second by Mr. Veilleux, moved to approve the minutes of the March 17, 2009 Regular Meeting and the March 31, 2009 Special Meeting as amended. Motion passed 6-0.
- IV. ADOPTION OF AGENDA** – Mr. Paradis, with second by Ms. Schloss, moved to adopt the agenda as presented. Motion passed 6-0.
- V. FINANCIAL STATEMENTS:** (*Customarily presented at the second meeting each month*)
- VI. PUBLIC HEARINGS:**
- A. Special Amusement Permit Renewals:**
- 1. Bar Harbor Hotel ~ Bluenose Inn, 90 Eden Street, request for a Class 3ad, three or more musicians with mechanical amplification and dancing special amusement permit submitted by Lafayette Bar**

Harbor Hotel, Inc. Kent Leonard. – There being no comments, Mr. Paradis, with second by Mr. Veilleux, moved to approve the special amusement permit renewal for the Bar Harbor Hotel ~ Bluenose Inn as requested. Motion passed 6-0.

2. **Kebo Valley Golf Club**, 136 Eagle Lake Road, request for a Class 3ad, three or more musicians with mechanical amplification and dancing special amusement permit submitted by Kebo Valley Golf Club, David F. Closson. – There being no comments, Mr. Paradis, with second by Mr. Veilleux, moved to approve the special amusement permit renewal for Kebo Valley Golf Club as requested. Motion passed 6-0.
3. **ImprovAcadia**, 15 Cottage Street, request for a Class 4, any other type of entertainment, as provided by 28A MRSA 1054.1.C, special amusement permit renewal for **ImprovAcadia**, submitted by Larrance Fingerhut. – There being no comments, Mr. Paradis, with second by Mr. Veilleux, moved to approve the special amusement permit renewal for ImprovAcadia as requested. Motion passed 6-0.

- B. Harbor Ordinance Amendment** –*Introduction and possible adoption of a draft ordinance amendment to move appeals from the Appeals Board to the Harbor Committee, #2009-01.* – Following brief comments from the public, Mr. Paradis, with second by Ms. Schloss, moved to adopt the Harbor Ordinance Amendment as proposed. Motion passed 6-0.

**Harbor Ordinance Amendment
Town of Bar Harbor
#2009-01**

**An Amendment to transfer appeals of a Harbor Master decision
from the Appeals Board to the Harbor Committee.**

The Town of Bar Harbor hereby ordains that Chapter 153, Port and Harbor, of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 153 , PORT AND HARBOR

ARTICLE II, Harbor Rules & Regulations

§ 153-29. Appeals.

Any person adversely affected by a decision of the Harbor Master may appeal the decision to the Bar Harbor ~~Board of Appeals~~ Harbor Committee.

[end of ordinance]

- C. General Assistance Ordinance Amendment** –*Introduction and possible adoption of a draft ordinance amendment increasing the GA food allowance, Appendix B, Chapter 102 of the Town Code, for a six month period*

effective April 1, 2009, #2009-02. – There being no comments, Mr. Paradis, with second by Ms. Schloss, moved to adopt the General Assistance Ordinance Amendment as proposed. Motion passed 6-0.

**GENERAL ASSISTANCE ORDINANCE AMENDMENT
Town of Bar Harbor
#2009-02**

An amendment of Chapter 102, Appendix B, Food Maximums as mandated by the State for a six month period effective April 1, 2009.

The Town of Bar Harbor hereby ordains that Chapter 102, General Assistance, of the Town Code is amended as follows:

**Appendix B
Food Maximums**

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2009, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

Note: For each additional person add \$150 per month.

VII. REGULAR BUSINESS:

A. Water & Sewer Fee Commitment – *Request of the Town Manager for commitment of water and sewer fees to the Town Treasurer for collection.* – Mr. Paradis, with second by Ms. Schloss, moved to approve and sign the Water & Sewer Fee Commitment dated April 1, 2009. Motion passed 6-0.

B. Town Meeting June 2009 – *Review and possible approval of:*

- 1. Explanations and recommendations for warrant articles.** – Mr. Paradis, with second by Ms. Schloss, moved to recommend approval of Articles C through X on the Annual Town Meeting Warrant. Motion passed 6-0. Further, Mr. Jordan, with second by Mr. Paradis, moved to not recommend approval of Article 4 on the Town Meeting Warrant. Motion passed 2-1-3. (Nay: Ms. Schloss; Recused: Ms. Eveland, Mr. Garland, Mr. Veilleux.
- 2. Draft warrant and notice of public hearing for annual Town Meeting.** – Mr. Paradis, with second by Mr. Garland, moved to approve the draft warrant and notice of public hearing for annual Town Meeting as presented. Motion passed 6-0.

3. *Warden Appointment – Request of the Town Manager that Council confirm the Town Clerk’s appointment of Patricia Gray as Warden for the June 9th AOS Budget Referendum election, pursuant to 20-A.* – Mr. Paradis, with second by Mr. Veilleux, moved to confirm the Town Clerk’s appointment of Patricia Gray as Warden for the June 9th AOS Budget Referendum election, pursuant to 20-A. Motion passed 6-0.

C. Committee Consultations – *Discussion of current projects, future plans and any support needed from Town Council -*

1. *Conservation Commission – Jill Weber, Chair* – Ms. Weber outlined the projects the commission continues to work on: water quality brochure; assisting with the mapping of vernal pools; working with the stakeholder on Dark Skies Festival; working on a grant from the State Planning Office to do a recycling video; met with the Warrant Committee to discuss solid waste and the pay per-bag fee; and announce the showing of a film at Reel Pizza on April 26th entitled “Addicted to Plastic”.
2. *Corridor Mgt. Committee (Scenic Byway) – Anne Krieg, Chair* – Ms. Krieg explained this committee is informal and is required by Scenic Byways to implement the 2002 plan. They meet every other month. MDOT officials looked at this committee for the head of the Island project to assist in planning out the planted islands, greenery, and signage. She just received today information from the federal Byway regarding the start of economic development projects. Ms. Krieg also reported that there is no update on the Route 3 – Eden Street project.

D. YMCA – *Consideration of future funding structures for recreational services to the Town.* – Following discussion with YMCA Executive Director Kim Harty, the Council supports the goal of working towards fee for service relationship that will probably result in a memorandum of understanding. The YMCA will work with the Parks and Recreation Committee. Ms. Harty inquired about a timeframe. Council responded that the FY11 budget begins in the fall, the latter part of October.

E. Towing Policy – *Request of Acadia Towing and Fleet Services for consideration of a vehicle towing ordinance.* – Following discussion with the present policy that’s in place and accepting comments from the towing services; Council was not prepared to make any recommendations or authorize an ordinance setting fees without time to review and research the request. Mr. Garland, with second by Mr. Jordan, moved to table this item forward to the May 19, 2009 Council meeting. Motion passed 6-0.

F. Park Use Request – *Request of Dan Thomassen for temporary storage of a building on town property while constructing a foundation.* – Mr. Paradis, with second by Ms. Schloss, moved to authorize Dan Thomassen to store a house on Town property at a location approved by the Public Works

Director, for a period no longer than eight weeks, with the stipulation that (1) the encroaching building be removed from Town property within 30 days, (2) the site be returned to its previous condition within 30 days of building removal, (3) that no trees be damaged, other than the one cited in Mr. Thomassen's letter, and (4) that the owner or contractor provide a certificate of insurance prior to commencement showing the Town as a named insured with limits as required by the Town's liability carrier. Motion passed 6-0.

G. Barker Park:

1. Donation – *Request of the Parks & Recreation Committee for permission to accept a donation from the Bar Harbor Garden Club.* – Mr. Paradis, with second by Mr. Garland, moved to accept the donation from the Bar Harbor Garden for the Barker Park Renovation Project and thank them for their generosity. Motion passed 6-0.
2. Renovations – *Review and possible approval of revised plans for Barker Park construction.* – Mr. Paradis, with second by Ms. Schloss, moved to approve the plan for the Barker Park renovations as recommended by the Parks and Recreation Committee and thank them for their hard work on this project. Motion passed 6-0.

H. Justice Assistance Grant (JAG) – *Request of the Manager for permission to apply for and accept an \$18,848 grant offered by the U.S. Department of Justice for in-car video recording systems.* – Mr. Paradis, with second by Mr. Veilleux, moved to apply for and accept an \$18,848 grant offered by the U.S. Department of Justice for in-car video recording systems. Motion passed 6-0.

I. Budget Transfers: FY09 – *Request of the Town Manager for a transfer of funds between Capital Improvement Program reserve accounts to permit replacement of the Fire Station roof earlier than budgeted.* – Mr. Paradis, with second by Mr. Veilleux, moved that the Treasurer transfer CIP monies from account #2142-6218, the Fire Engine #4 Reserve account, in the amount of \$23,720 to the CIP Public Safety Building account # 2149-6244 to replace the portion of the roof that is not covered by insurance. Motion passed 6-0.

J. Appeals Board Reorganization – *Request of Councilor Schloss for discussion to determine if there is any Council interest in realignment of Appeals Board responsibilities and jurisdiction.* – Mr. Paradis, with second by Mr. Veilleux, moved to request staff to research the possibility of using an appointed attorney for the purpose of hearing and ruling on appeals of all but state required appeals and report back to Council within 90 days. Motion passed 5-1 (Nay: Mr. Jordan).

K. Quit Claim Deed – *Request of the Manager for permission to sign a quit claim deeds to the Estate of Anna Mokrynsky for property located at Indian Point Road, Tax Map #226-021-000, now that back taxes have been paid.* –

Mr. Paradis, with second by Mr. Veilleux, moved that the Town Council, representing the inhabitants of Bar Harbor, hereby authorizes the Town Manager to sign a quit-claim deed for the property of the Estate of Anna Mokrynsky, located on Indian Point Road, Tax Map 226-021-000. Motion passed 6-0.

- L. Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* - Mr. Paradis, with second by Mr. Veilleux, moved to sign the Treasurer's Warrant for paid bills. Motion passed 6-0.

VIII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. Garland requested police presence at the first stop sign of the intersection of Town Hill Market. He reported that there are two stop signs at the Town Hill Market with one slightly forty feet ahead of the first one and to the left of the Market, and people do not stop at the first one someone will be broad sided.

Mr. Garland also made his announcement that he will not be running for another Council term.

Ms. Schloss stated that we will miss Bob and his sound judgment.

Mr. Jordan congratulated the MDI Show Choir, who came in first. He also exclaimed how thrilled he was on the progress and timeline to the Barker Park renovations. He also thanked the public works crew for the spring clean up of the streets and sidewalks and the sprucing up of the parks. The town looks good.

IX. EXECUTIVE SESSION:

- A. Parking Garage** – *Review of proposal by Ocean Properties to develop a parking garage in the Backyard Parking Lot.* – Mr. Paradis, with second by Mr. Veilleux, moved at 9:24 p.m. to go into executive session as permitted by 1 MRSA 405.6.C for discussion of the condition, acquisition or the use of real property or economic development as premature disclosure of the information would prejudice the competitive or bargaining position of the Town. Motion passed 6-0. Following a break, Council entered into executive session at 9:36 p.m. Council came out of executive session at 10:31 p.m.

- B. Personnel Matter** – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Mr. Veilleux, moved to go into executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 6-0. Council entered into executive session at 10:32 p.m. Council came out of executive session 10:40 p.m.

- X. ADJOURNMENT** – Mr. Paradis, with second by Mr. Garland, moved to adjourn at 10:40 p.m. Motion passed 6-0.

Paul Paradis, Secretary